

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

UNITED STATES OF AMERICA	)	
	)	DOCKET NO. 1:16CR46
v.	)	
	)	<b>FACTUAL BASIS</b>
DOUGLAS AARON HOLCOMB	)	
_____	)	

NOW COMES the United States of America, by and through Jill Westmoreland Rose, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

This Factual Basis does not attempt to set forth all of the facts known to the United States at this time. This Factual Basis is not a statement of the defendant, and, at this time, the defendant may not have provided information to the United States about the offenses to which the defendant is pleading guilty, or the defendant's relevant conduct, if any.

By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender pursuant to the plea agreement. The parties also agree that this Factual Basis may, but need not, be used by the United States Probation Office and the Court in determining the applicable advisory guideline range under the *United States Sentencing Guidelines* or the appropriate sentence under 18 U.S.C. § 3553(a). The defendant agrees not to object to any fact set forth below being used by the Court or the United States Probation Office to determine the applicable advisory guideline range or the appropriate sentence under 18 U.S.C. § 3553(a) unless the defendant's right to object to such particular fact is explicitly reserved below. The parties' agreement does not preclude either party from hereafter presenting the Court with additional facts which do not contradict facts to which the parties have agreed not to object and which are relevant to the Court's guideline computations, to 18 U.S.C. § 3553 factors, or to the Court's overall sentencing decision.

1. On July 1, 2015, the Henderson County North Carolina District Court issued an arrest warrant for DOUGLAS AARON HOLCOMB due to his failure to appear for court on June 18, 2015. Later that day, Transylvania County Sheriff's deputies went to HOLCOMB's residence to serve him with the warrant. Due to a medical condition, deputies did not arrest HOLCOMB but instead directed him to turn himself in to authorities the next day. HOLCOMB did not thereafter turn himself in to authorities.
2. During this period of time, HOLCOMB was an unlawful user of a controlled substance as defined in section 102 of the Controlled Substances Act (Title 21 U.S.C. Section 802).
3. On July 8, 2015, the Transylvania County Sheriff's Office received a call from a concerned citizen that a brown pickup truck was parked in the middle of Powell

Brothers Drive with its engine running. The caller also reported that two persons were passed out in the truck and that a gun was somewhere in the vehicle.

4. A deputy responded to the scene and observed that the brown pickup truck was still located in the roadway. The vehicle's engine was running and two occupants appeared to be asleep. The deputy recognized the person in the passenger seat to be HOLCOMBE. When the deputy approached the vehicle, the occupants began to awaken. The deputy asked HOLCOMBE where the gun was located. HOLCOMBE lifted a blanket off his lap and revealed a pistol in his lap.
5. The pistol was a Jiminez Arms Model "J.A. NINE" 9mm caliber semiautomatic. It was loaded with 9 rounds of Federal brand 9mm ammunition. The pistol was manufactured in the state of Nevada.
6. HOLCOMB also had a backpack which contained 40 rounds of Federal brand 9mm ammunition, 2 rounds of Hornady brand 9mm ammunition, 1 round of Remington brand 9mm ammunition, 1 round of 7.62x39mm caliber ammunition, and various drug paraphernalia. The ammunition was manufactured outside the state of North Carolina.
7. At the time of HOLCOMB's possession of the pistol and ammunition, he was still a fugitive from justice and he was still an unlawful user of a controlled substance.

JILL WESTMORELAND ROSE  
UNITED STATES ATTORNEY



DAVID A. THORNELOE  
ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, the Bill of Indictment, and the plea agreement in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis and the Bill of Indictment.

I hereby certify that the defendant does not dispute this Factual Basis with the exception of those facts to which I have specifically reserved the right to object, and understands that it may be used for the purposes stated above.

  
Mary Ellen Coleman, Attorney for Defendant

DATED: 8/10/16